

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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SYLVIA C. COHEN, On Behalf of Herself and All
Other Persons Similarly Situated,

C.A. No. 04-CV-4098
(ILG/RLM)

Plaintiff,

vs.

JP MORGAN CHASE & CO. and JP MORGAN
CHASE BANK,

Defendants.
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**DECLARATION OF OREN GISKAN IN SUPPORT OF PRELIMINARY
APPROVAL OF SUPPLEMENT TO CLASS SETTLEMENT AGREEMENT**

I, Oren Giskan, declare and state as follows:

1. I am a member of Giskan Solotaroff Anderson & Stewart LLP, counsel to Plaintiff Sylvia C. Cohen and the Class in the above-captioned action. I submit this declaration in support of preliminary approval of the proposed Supplement to Class Settlement Agreement ("Supplemental Settlement").

2. In January 2009, during the claims period of the original settlement in this action ("Original Settlement"), my office was contacted by two Chase borrowers who had paid a Post Closing Fee on their mortgages but did not receive a notice of settlement in this action. My office contacted the Settlement Administrator, Rust Consulting, to determine if these two Chase borrowers were on the Class list. After I learned that these two individuals were not on the Class list, I contacted counsel for Chase, Noah Levine.

3. Over the next few weeks, I worked with Mr. Levine to determine if there were other Chase customers that paid a Post Closing Fee but were left off the Class list. Based


on my requests, Mr. Levine conducted a sampling of settlement statements of Chase customers that originated mortgages during the Class period but were not on the Class list and determined that several had in fact paid a Post Closing Fee.

4. Mr. Levine and I concluded that the solution to this problem was to extend the benefits of the Original Settlement to any Chase borrower that paid the Post Closing Fee. We further determined that the best vehicle for extending these benefits to this group was a supplement to the Original Settlement. The parties subsequently notified the Court, by joint letter dated February 22, 2010 (Dkt. No. 124), of their intent to move for approval of the Supplemental Settlement.

5. In order to include all Chase borrowers that may have paid a Post Closing Fee during the Class Period, the parties agreed that Notice of the Supplemental Settlement should be mailed to the individuals set forth in the Supplemental Settlement, which represent the channels, years, and locations where the fee was charged pursuant to policy.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of April 2010 in New York, New York.


Oren Giskin